



S/N 10/044,896

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	CHUNTHARAPAI ET AL.	Examiner:	Y. KIM
Serial No.:	10/044,896	Group Art Unit:	1644
Filed:	JANUARY 9, 2002	Docket No.:	11669.147USU1
Confirmation No.:	1225	Customer No.:	23552
Title:	ANTI-INTERFERON-ALPHA ANTIBODIES		

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 371503640 US  
Date of Deposit: April 1, 2005

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 

Name: Sheryl A. Boerboom

DECLARATION REGARDING DEPOSIT OF BIOLOGICAL MATERIAL

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

1. I, Katherine M. Kowalchyk do say and declare:
2. The deposit of 1) hybridoma cell line secreting 9F3 monoclonal antibodies was made January 18, 2001 and given Accession No. PTA-2917; 2) pRK based vector for the expression of heavy chain of chimeric CH8-2 full length IgG was made on January 9, 2001 and given Accession No. PTA-2883; 3) pRK-based vector for the expression of light chain of chimeric CH8-2 full length IgG was made on January 9, 2001 and given Accession No. PTA-2880; 4) pRK-based vector for the expression of heavy chain of humanized V13 full length IgG2 was made on January 9, 2001 and given Accession No. PTA-2881; and 5) pRK-based vector for the expression of light chain of humanized V13 full length IgG2 was made on January 9, 2001 and given Accession No. PTA-2882. Copies of the Deposit Receipts are attached hereto. The materials were deposited with the American Type Culture Collection (ATCC), 10801 University Blvd., Manassas, VA 20110-2209 USA under the provisions of the Budapest Treaty on the

International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure and the Regulations thereunder (Budapest Treaty).

3. All restrictions on the availability to the public of the material deposited will be irrevocably removed upon the granting of the patent according to 37 C.F.R. § 1.808(a)(2).

4. The material has been deposited under conditions that assure access to the material will be available during the pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122 as specified in 37 C.F.R. § 1.808(a)(1).

5. The deposited material will be maintained at least thirty (30) years and at least five years after the most recent request for the furnishing of a sample of the deposited microorganism, or for the enforceable life of the patent, whichever period is longer, as specified in 37 C.F.R. § 1.806.

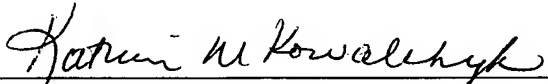
6. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present patent application or any patent issuing thereon.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: \_\_\_\_\_

April 1, 2005



Katherine M. Kowalchuk  
Reg. No. 36,848  
KMK:sab

**23552**

PATENT TRADEMARK OFFICE

# ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

#### RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2



To: (Name and Address of Depositor or Attorney)

Genentech, Inc.  
Attn: Richard B. Love  
1 DNA Way MS 49  
South San Francisco, CA 94080-4990

Deposited on Behalf of: Genentech, Inc.

**Identification Reference by Depositor:**

Escherichia coli derived; mouse/human light chain chimeric  
full-length IgG: XAIFN-ChLpDR1,

Escherichia coli derived; humanized full-length human IgG2  
heavy chain plasmid: VHV30-IgG2,

Escherichia coli derived; humanized VL-CL light chain IgG plasmid: PTA-2882  
VLV30-IgG

Escherichia coli derived; mouse/human chimeric full-length  
IgG2mAb: XAIFN-ChHpDR2

(Ref: Docket or Case No.: PR 1810)

**Patent Deposit Designation**

PTA-2880

PTA-2881

PTA-2883

The deposits were accompanied by:   X   a scientific description    a proposed taxonomic description indicated above. The deposits were received January 9, 2001 by this International Depository Authority and have been accepted.

**AT YOUR REQUEST:**   X   We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

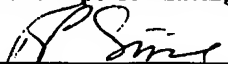
If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested January 10, 2001. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

  
\_\_\_\_\_  
Frank Simone, Director, Patent Depository

Date: January 18, 2001

# ATCC

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## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

#### RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Genentech, Inc.  
Attn: Richard B. Love  
1DNA Way, MS 49  
South San Francisco, CA 94080-4990

Deposited on Behalf of: Genentech, Inc.

Identification Reference by Depositor:  
Murine Hybridoma Cell Line: 9F3.18.5  
(Ref: Docket or Case No.: PR 1810)

Patent Deposit Designation  
PTA-2917

The deposit was accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.

The deposit was received January 18, 2001 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested January 25, 2001. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

  
Tanya Nunnally, Patent Specialist, Patent Depository

Date: January 31, 2001